### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s): Juha Pihlaja CONF. No.: 7015

SERIAL NO.: 10/089,426 ART UNIT: 2619

FILING DATE: March 29, 2002 EXAMINER: Haliyur, Venkatesh

N.

TITLE: A RADIO LINK SYSTEM

ATTORNEY NC18547US

DOCKET NO.: 297-010894-US(PAR)

MailStop Petitions Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450

### **PETITION**

Applicant respectfully petitions that a new period of response from the filing of the Notice of Appeal and Pre-Appeal Brief Request for Review on November 26, 2007 be set because Applicant did not receive a copy of the Notice of Panel Decision mailed February 25, 2007.

The Notice of Appeal and Pre-Appeal Brief Request for Review were filed with the USPTO on November 26, 2007.

On July 28, 2008, the Examiner contacted the undersigned to inquire as to the status of the application. The Examiner stated that a Notice of Panel Decision was allegedly mailed on February 25, 2008. A copy was faxed by the Examiner and is attached hereto as Exhibit D. However, the undersigned has carefully examined the records and files related to this application and submits that the Notice of Panel Decision was not received by the offices of Perman & Green, LLP. in a timely fashion or prior to the expiration of the statutory response period.

The following is offered as evidence:

1. A declaration from the docketing clerk for Perman & Green, LLP that

there is no record of receipt of the Notice of Panel Decision. (Exhibit A)

2. A copy of Applicant's Attorneys Incoming "Daily Mail Log" for the

period of February 25, 2008 to May 26, 2008. (Exhibit B).

3. A printout entitled "Actions Due" from the Applicant's attorneys

electronic docketing system for this application. (Exhibit C)

4. A copy of the fax from the Examiner of August 5, 2008 with a copy of

the Decision.

A careful review of the application file, mail log and electronic docketing system

indicates that the Notice of Panel Decision was not received in the offices of Perman &

Green, LLP.

In view of the foregoing, it is respectfully submitted that the Notice of Panel Decision

was not received. It is requested that the application be reinstated and a new period

for reply be set.

The Commissioner is hereby authorized to charge payment for any fees associated with

AUGUST 2008

this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

Geza C. Ziegler, Or.

Reg. No. 44,004

Perman & Green, LLP

425 Post Road

Fairfield, CT 06824

(203) 259-1800

Customer No.: 2512

Page 2 of 2

### Exhibit A To Petition U.S. Ser. No. 10/089,426 Declaration of Daniel Romano

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s):

Juha Pihlaja

CONF. No.:

7015

**SERIAL NO.:** 

10/089,426

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**EXAMINER:** 

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**ATTORNEY** 

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DOCKET NO.:

297-010894-US(PAR)

MailStop Petitions Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450

### **DECLARATION OF DANIEL ROMANO IN SUPPORT OF PETITION**

I, Daniel Romano, am the Administrator for Perman & Green, LLP. During the time periods when the Notice of Panel Decision dated February 25, 2008 should have been received by Perman & Green, I was responsible for the administration of the incoming mail processing, and docketing functions for all incoming USPTO correspondence, to Perman & Green, LLP.

The USPTO incoming mail process involves the incoming USPTO mail being directly delivered to the docketing clerk. As each mail item is received, the mail item is date stamped. The mail item is then reviewed, and the details are manually entered into the Daily Mail Log (see Exhibit B attached to the Petition). The mail item data is also entered into our electronic docketing system (see Exhibit C attached to the Petition. Thus, the details for all incoming mail from the USPTO are logged in two systems.

I have carefully reviewed each of the Daily Mail Log and our electronic docketing system and cannot find any record of the referred Notice of Panel Decision dated February 25, 2008. A copy of the mail log for the period February 26, 2008 to May 26, 2008, the period during which the Notice of Panel Decision dated February 25, 2008 should have been received is attached hereto as Exhibit B. A copy of the "Actions Due" log from our electronic docket system is attached hereto as Exhibit C. Had the Notice of Panel Decision dated February 25, 2008 been received and docketed, it would appear on the log and the electronic docket. It does not. Since receipt of the Notice of Panel Decision dated February 25, 2008 is neither recorded in the Daily Mail Log nor in the electronic docketing system it is respectfully submitted that the Notice of Panel Decision dated February 25, 2008 was not received in our Office.

The undersigned certifies that all statements made herein are true, that all statements made herein on information and belief are believed to be true, and that all statements made herein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes or uses any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth in 18 U.S.C. §1001.

Daniel Romano

LEGAL ADMINISTRATOR

### **Exhibit B**

**To Petition** 

U.S. Ser. No. 10/089,426 Copy of Daily Mail Log 2/25/2008 to 5/26/2008

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### DAILY MAIL LOG

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DATE: Thurs. 5/00 08

## DAILY MAIL LOG

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#### Exhibit C To Petition U.S. Ser. No. 10/089,426 Electronic Docket Actions Due Printout

#### **Country Application**

Wednesday, August 06, 2008

Case Number: 442-010894

Country: US

SubCase: PAR

Client: NMP/FINLAND, ESPOO (FI PRIOR)

United States of America

Case Type: ORD

Application Status: Pending

Area(s):

WO

Application Number: 10/089,426

Filing Date: 29-Mar-2002

Patent Number:

**Issue Date:** 

**Publication Number:** 

**Publication Date:** 

**Priority Number: 19992125** 

Priority Date: 01-Oct-1999

Tax Schedule: LE

**Expiration Date: Tax Start Date:** 

Agent:

Agent Reference No.:

File Establishment Date: 13-Mar-2002

**Storage Company:** 

File Location: P&G

**Box Number:** 

#### **List Of Actions**

Action(s) Due	<b>Due Date</b>		<b>Action Taken</b>
FILE BY	01-Apr-2002	Final	29-Mar-2002
Information Disclosure Stmnt	29-Jun-2002	Due Date	02-Jul-2002
Foreign Filing Reminder	29-Sep-2002	Due Date	
POST CARD RECEIVED	29-Sep-2002	Due Date	17-Apr-2002
Information Dis Follow Up Date	02-Jan-2003	Due Date	21-Jul-2002
Foreign Filing Due	29-Mar-2003	Final	
Application Status Check	29-Sep-2003	Due Date	
Request for Examination	29-Mar-2005	Due Date	
3 MON RESPONSE	14-Dec-2006	Due Date	11-Dec-2006
I MON EXTENSION	14-Jan-2007	Due Date	11-Dec-2006
2 MON EXTENSION	14-Feb-2007	Due Date	11-Dec-2006
6 MON FINAL	14-Mar-2007	Final	11-Dec-2006
3 MON RESPONSE	08-Jun-2007	Due Date	
US-3MON. ACTION Follow Up Date	11-Jun-2007	Due Date	11-Dec-2006
I MON EXTENSION	08-Jul-2007	Due Date	
2 MON EXTENSION	08-Aug-2007	Due Date	
6 MON FINAL	08-Sep-2007	Final	
FINAL 3 MON	23-Nov-2007	Due Date	

#### **Country Application**

#### Wednesday, August 06, 2008

FINAL I MON EXT	23-Dec-2007	Reminder
APPEAL BRIEFDUE	21-Jan-2008	Due Date
FINAL 2 MON EXT	23-Jan-2008	Reminder
IMON EXTENSION	21-Feb-2008	Reminder
FINAL 6 MON	23-Feb-2008	Final
2MON EXTENSION	21-Mar-2008	Reminder
3MON EXTENSION	21-Apr-2008	Reminder
FINAL DEADLINE	21-May-2008	Final

User ID: CONRAD

Date Created: 13-Mar-2002

Last Update: 17-Apr-2002

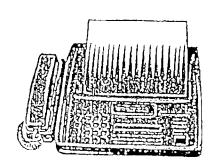
#### Exhibit D To Petition U.S. Ser. No. 10/089,426 Fax from Examiner Haliyur of 8/5/2008



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington D.C. 20231

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PERMAN & GREEN, LLP



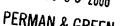
#### TELECOPY/FACSIMILE TRANSMISSION COVER SHEET

DATE:	08/05/08
TO:	GEZA CZEIBLEY
	PERMAN & GREEN
	(COMPANY OR FIRM) 203-255-5170 (FAX NO.)
FROM:	Examiner Haliyur
	S71-272-86/6 (VOICELINE NO.)
NUMBER	OF PAGES 3 (including this page)

If you have not received all pages of this transmission, please contact the Patent Office Telefax Operator.

RECEIVED





PERMAN & GREEN.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,426	03/29/2002	Juha Pihlaja	297-010894-US (PAR)	7015
2512 PERMAN & C	7590 02/25/2008 GREEN		EXAM	NER
425 POST RO			HALIYUR, VE	NKATESH N
FAIRFIELD, (	21 06824	•	ARTUNIT	PAPER NUMBER
		•	2619	•
			MAIL DATE	DELIVERY MODE
			02/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

ATTN: GEZA CZEIGLER PERMAN & GREEN

Copy of The office action Mailed on 12/25/2008.

Pranks Examinen Habym

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination							
	10/089,426	PIHLAJA, JUHA							
	Vankatesh Haliyur	Art Unit							
Document Code - AP.PRE.		2619							
Notice of Panel De	ecision from Pre-A	Appeal Brief Review							
This is in response to the Pre-Appeal Br	ief Request for Review filed 11	<u>/26/07</u> .							
<ol> <li>Improper Request – The Requestor(s):</li> </ol>	uest is improper and a confere	ence will not be held for the following							
ine request does not include	ot been filed concurrent with the e reasons why a review is appr actuded with the Pre-Appeal Bri	ooriste							
The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.									
is required to submit an appeal brief brief will be reset to be one month fro running from the receipt of the notice	in accordance with 37 CFR 41, or mailing this decision, or the of appeal, whichever is greate FR 1 136 based upon the mail	A Pre-Appeal Brief conference has been st one actual issue for appeal. Applicant .37. The time period for filing an appeal balance of the two-month time period or. Further, the time period for filing of the date of this decision or the receipt date							
The panel has determined the status of the claim(s) is as follows:  Claim(s) allowed:  Claim(s) objected to:									
Claim(s) rejected: <u>1-17.</u> Claim(s) withdrawn from consideration:									
<ol> <li>Allowable application – A con Allowance will be mailed. Prosecution applicant at this time.</li> </ol>	ference has been held. The rej on the merits remains closed.	ection is withdrawn and a Notice of No further action is required by							
4. Reopen Prosecution – A confe	rence has been held. The rejection	ction is withdrawn and a new Office							

action will be malled. No further action is required by applicant at this time.